

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Plaintiff,

v.

ZILLOW GROUP, INC.; and
ZILLOW, INC.,

Defendants.

C20-851 TSZ

MINUTE ORDER SETTING
TRIAL DATE AND RELATED
DEADLINES

JURY TRIAL DATE (5–10 days)

June 20, 2023

Parties to exchange preliminary proposed constructions of
disputed claim terms and lists of proposed extrinsic evidence

May 19, 2022

Joint Claim Chart and Prehearing Statement due

June 15, 2022

Parties to disclose reports from expert witnesses, if any,
regarding Markman issues

June 15, 2022

Parties to disclose rebuttal expert reports, if any,
regarding Markman issues

July 18, 2022

Deadline for completion of claim construction discovery
and for amending pleadings

August 4, 2022

Opening claim construction briefs filed by August 11, 2022
(and noted for August 26, 2022)

Responsive claim construction briefs filed by August 26, 2022

**If a claim construction (Markman) hearing is necessary,
one will be set upon at least 20 days' notice to the parties.**

Reports from expert witnesses under FRCP 26(a)(2) due October 21, 2022

Rebuttal expert reports due November 21, 2022

All discovery motions must be filed by January 12, 2023
(and noted on the motion calendar for the third Friday thereafter)

Discovery completed by February 17, 2023

All dispositive motions must be filed by March 2, 2023
(and noted on the motion calendar for the fourth Friday thereafter;
see LCR 7(d))

All motions related to expert witnesses must be filed by March 9, 2023
(and noted on the motion calendar for the third Friday thereafter;
see LCR 7(d))

All motions *in limine* must be filed by May 18, 2023
(and noted on the motion calendar for the third Friday thereafter)

Agreed pretrial order due May 24, 2023

Trial briefs, proposed voir dire questions, proposed jury
instructions, and trial exhibits due May 24, 2023

Pretrial Conference at 10:00 a.m. on June 9, 2023

These dates are set at the direction of the Court after reviewing the joint status
report and discovery plan submitted by the parties. All other dates are specified in the
Local Civil Rules and Local Patent Rules. These are firm dates that can be changed only

1 by order of the Court, not by agreement of counsel or the parties. The Court will alter
2 these dates only upon good cause shown: failure to complete discovery within the time
3 allowed is not recognized as good cause.

4 If the trial date, pretrial conference date, or deadlines assigned to this matter create
5 an irreconcilable conflict, counsel must notify Judge Zilly's Chambers at (206) 370-8830,
6 within 14 days of the date of this Minute Order and explain the exact nature of the
7 conflict. A failure to do so will be deemed a waiver. Counsel must be prepared to begin
8 trial on the date scheduled, but should understand that the trial might have to await the
9 completion of other cases.

10 Claim Construction and *Markman* Hearing

11 Any claim construction hearing will be set for a half-day (2.5 hours). If more or
12 less time is required, the parties are instructed to inform Judge Zilly's Chambers at
13 (206) 370-8830. With regard to U.S. Patent No. 7,072,849, the parties should address in
14 their claim construction briefs (i) the extent to which the parties agree that the Court
15 should adopt the claim construction set forth in Chewy, Inc. v. International Business
16 Machines Corp., S.D.N.Y. Case No. 1:21-cv-1319 (Nov. 9, 2021) (docket no. 90); and
17 (ii) the proposed interpretation of any claims either not construed in Chewy or as to
18 which one or the other party challenges the ruling in Chewy.

19 PLEASE NOTE: The Court will not rule on dispositive motions that raise issues
20 of claim construction prior to the Markman Hearing, unless special circumstances
21 warrant doing so and leave of Court is obtained in advance of filing.

Exhibits

The original and one copy of any exhibits to be used at any Markman Hearing and/or trial are to be delivered to the Court at least five (5) days before the hearing and/or trial date at a time coordinated with Courtroom Deputy Clerk Gail Glass, who can be reached at (206) 370-8522.

Notwithstanding Local Civil Rule 16.1, the exhibit list shall be prepared in table format with the following columns: “Exhibit Number,” “Description,” “Admissibility Stipulated,” “Authenticity Stipulated/Admissibility Disputed,” “Authenticity Disputed,” and “Admitted.” The latter column is for the Clerk’s convenience and shall remain blank, but the parties shall indicate the status of an exhibit’s authenticity and admissibility by placing an “X” in the appropriate column. Duplicate documents shall not be listed twice: once a party has identified an exhibit in the pretrial order, any party may use it.

Each set of exhibits shall be submitted in a three-ring binder with appropriately numbered tabs. Each exhibit shall be clearly marked. Plaintiff’s exhibits shall be numbered consecutively beginning with 1; defendant’s exhibits shall be numbered consecutively beginning with the next multiple of 100 after plaintiff’s last exhibit; any other party’s exhibits shall be numbered consecutively beginning with the next multiple of 100 after defendant’s last exhibit. For example, if plaintiff’s last exhibit is numbered 159, then defendant’s exhibits shall begin with the number 200; if defendant’s last exhibit number is 321, then any other party’s exhibits shall begin with the number 400.

Settlement

Should this case settle, counsel shall notify Judge Zilly's Chambers at (206) 370-8830 as soon as possible.

Dated this 1st day of April, 2022.

Ravi Subramanian
Clerk

s/Gail Glass
Deputy Clerk